

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>BRANDON M. APOSTOLEC,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>No. 16-919</b>
	:	
<b>COMMONWEALTH OF PENNSYLVANIA,</b>	:	
<b><u>ET AL.</u>,</b>	:	
<b>Defendants.</b>	:	
	:	

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of December, 2016, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, and there being no objections to the Report and Recommendation, it is hereby **ORDERED** that:

1. The Report and Recommendation (doc. no. 14) is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DENIED WITHOUT PREJUDICE** as untimely;
3. There is no basis for the issuance of a certificate of appealability; and
4. The Clerk of Court is directed to mark this case **CLOSED**.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.